USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/31/11

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE SEPTEMBER 11 LITIGATION

CANTOR FITZGERALD & CO. et. al.,

Plaintiffs,

-against-

AMERICAN AIRLINES, INC. and AMR CORP.,

Defendants.

ORDER REGULATING PROCEEDINGS

21 MC 101 (AKH)

04 Civ. 7318

ALVIN K. HELLERSTEIN, U.S.D.J.:

My Order and Opinion granting partial summary judgment to Defendants, In re Sept. 11 Litig., 04 Civ. 7138 (21 MC 101), 2011 WL 149518 (S.D.N.Y. Jan. 19, 2011), discussed the report and deposition testimony of Gregory S. Thaler, an expert retained by Plaintiffs to analyze and quantify their damages as a consequence of the events of September 11, 2001. From the discovery exhibits, it appears those materials were identified as "confidential" and filed under seal. In view of my Order and Opinion, it appears inappropriate to keep these materials sealed any longer.

This Court presumes that materials presented for review enjoy a presumption of openness to public inspection, rebuttable only "upon demonstration that suppression is essential to preserve higher values and is narrowly tailored to serve that interest." The Hartford Courant Co. v. Pellegrino, 380 F.3d 83, 96 (2d Cir. 2004) (internal quotation and citation omitted). If any party wishes that any information filed in connection with this case remain sealed, it shall set forth its reasons and justifications. Any such submission must be submitted to the Court by letter, and must be filed by February 4, 2011, at noon.

SO ORDERED.

Dated: January 28, 2011
New York, New York

ALVIN K. HELLERSTEIN
United States District Judge